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C O N F I D E N T I A L BANGKOK 002688

SIPDIS

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SUBJECT: CONSTITUTIONAL COURT ANNULS APRIL 2 POLLS

REF: BANGKOK 2646 AND PREVIOUS

Classified By: DEPUTY CHIEF OF MISSION ALEX ARVIZU. REASON: 1.4 (D)

¶11. (C) Summary: In several split decisions, the Thai Constitutional Court ruled that the April 2 general elections were unconstitutional, the results null and that a new election must be held for the lower house of Parliament. The timing of the new polls is uncertain. With the incumbent Election Commission discredited in the eyes of much of the nation the question now is whether it has sufficient credibility to run the next round of elections and, if not, how a successor body will be selected. There is also the looming question of the impact of the Court rulings on Caretaker Prime Minister Thaksin's possible return to head the government in the next parliament. End summary.

COURT RULES LAST MONTH'S POLLS VOID

¶12. (U) Judge Ura Wangomklang announced May 8 that, in a 8-6 split decision, the Thai Constitutional Court had ruled that the April 2 general elections were unconstitutional. In two separate 9 to 5 decisions, the Court ruled that the poll results were null and void and that a new election must be held for the lower house of Parliament. The multiple decisions were reportedly based on the Court's determination that the election was set too soon after Parliament's dissolution, and that the positioning of the voting booths at the polling stations violated the confidentiality of the voters.

WHEN THE NEW ELECTIONS? UNCHARTED TERRITORY

¶13. (SBU) According to the Constitution, an election must be held within 60 days of the Parliament's dissolution. But this is a case of an election held within 60 days of Parliament's dissolution being voided. The question of exactly when the new polls are to be held remains uncertain. It nominally remains for the Election Commission to decide.

¶14. (SBU) But the Election Commission itself is an issue. The EC, mandated to supervise the polls, has lost a good deal of its credibility in the wake of the court decisions. Already accused by many of its detractors of being in the pockets of the TRT, the EC's supervision of the next polls will probably invite a crescendo of protests. If its current members resign, an act many observers say is imminent, it is unclear what needs to be done for a new EC to be set up, a necessary precondition for the next round of election preparations to begin in earnest.

WHAT WILL THAKSIN DO?

¶15. (C) Comment: And then there is the question of Thaksin. Reftel reports the May 3 comments of Thaksin's chief policy advisor, Pansak Vinyaratn, that the caretaker Prime Minister would run again in the next election if the Constitutional Court annulled the April 2 election. This would, in the eyes of many, run counter to Thaksin's promise, when he stepped down on April 4, not to return as Prime Minister during the "next parliament." Pansak opined, however, that a new election would free him to come back. The opposition People's Alliance for Democracy (PAD) is already threatening to take its objections back out onto the streets if Thaksin reneges on his promise. As such, the Court's May 8 decisions are likely to nudge the country back into another round of political uncertainty.

BOYCE